



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 26 2002

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8/26/02  
EPA Region 5 Records Ctr.



280208

REPLY TO THE ATTENTION OF  
Solvay Coke & Gas

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

RE: Milwaukee Solvay Coke & Gas Site, 311 East Greenfield  
Avenue, Milwaukee, Wisconsin; General Notice of Potential  
Liability

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

- a. Develop and implement a site-specific work plan including a proposed time line.

- b. Develop and implement a site-specific health and safety plan.
- c. Establish and maintain site security measures during the removal actions, which may include security guard service.
- d. Identify, sample and characterize the hazardous substances located at the site.
- e. Arrange and effect removal of all asbestos containing material (ACM) on exterior and interior structures, and loose ACM on the ground surface.
- f. Arrange and effect removal of all coal tar residue and associated tankage and piping located above and/or below ground surface.
- g. Conduct decontamination and removal of site structures as necessary.
- h. Excavate and remove visually contaminated surface soils as necessary to prevent direct contact threats from spilled coal tar and/or other hazardous substances.
- i. Excavate and remove waste from the former AST pit area (sample results from this area are presented in Table 17 of the Site Assessment Report) to prevent direct contact and migration of hazardous substances.
- j. Remove all other hazardous substances onsite, such as furnace brick, residual products in tanks and/or containers, and laboratory chemicals.
- k. Eulk, containerize, and consolidate wastes as necessary in preparation for off-site disposal to a U.S. EPA approved disposal facility.
- l. Prepare and submit a summary report of the removal actions.

U.S. EPA has received information that your organization may have owned or operated the facility or generated or transported hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility. U.S. EPA is willing to

discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within fourteen (14) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Craig Melodia  
U.S. EPA - Region 5  
Office of Regional Counsel (C-14J)  
77 West Jackson Boulevard  
Chicago, IL 60604-3590

If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the facility and that your organization has declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Craig Melodia of the U.S. EPA Office of Regional Counsel at (312) 353-8870.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours, .

A handwritten signature in cursive script, reading "Richard C. Karl".

Richard C. Karl, Chief  
Emergency Response Branch

Enclosure

bcc: Craig Melodia, ORC (C-14J)  
Brad Benning, (SE-5J)  
John Maritote, EESS (SE-5J)  
Carol Ropski, EESS (SE-5J)  
Denise Battaglia, Public Affairs (P-19J)  
Michael T. Chezik

Department of Interior, 200 Chestnut St., Room 244, Philadelphia, PA 19106

Alicia Corley, SETS (OS505)  
Tony Audia, PAAS (MF-10J)  
Records Center (SMR-7J)

LIST OF PRPs SENT GENERAL NOTICE LETTER

Cliffs Mining Company  
c/o Dennis Fisher, Esq.  
Meissner Tierney Fisher & Nichols  
The Milwaukee Center, 19<sup>th</sup> floor  
111 East Kilbourn Ave.  
Milwaukee, WI 53202-6622

Marco Gerovac  
Wisconsin Wrecking Company  
311 East Greenfield Avenue  
Milwaukee, WI 53204

<b>U.S. Postal Service</b> <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)		<b>THIS SECTION ON DELIVERY</b> (Please Print Clearly) B. Date of Delivery <i>Krieser</i> 8/28/02	
Recipient: <i>Ropski (SE-5J)</i>		Signature: <i>Krieser</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
Postage	\$0.60	Address different from item 1? <input type="checkbox"/> Yes	
Certified Fee	2.30	Delivery address below: <input type="checkbox"/> No	
Return Receipt Fee (Endorsement Required)	1.75		
Restricted Delivery Fee (Endorsement Required)			
Total Postage	\$4.65		
Sent To: Marco Gerovac Wisconsin Wrecking Company 311 East Greenfield Avenue Milwaukee, WI 53204		Mail <input type="checkbox"/> Express Mail Return Receipt for Merchandise <input type="checkbox"/> C.O.D. <input type="checkbox"/> Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Street, Apt. or PO Box: City, State:		1468 6668	
PS Form 3800, July 1999 Domestic Return Receipt		102595-99-M-1789	

<b>U.S. Postal Service</b> <b>CERTIFIED MAIL RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)		<b>THIS SECTION ON DELIVERY</b> (Please Print Clearly) B. Date of Delivery <i>Meissner</i> AUG 28 2002	
Recipient: <i>Ropski (SE-5J)</i>		Signature: <i>Meissner</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
Postage	\$0.60	Address different from item 1? <input type="checkbox"/> Yes	
Certified Fee	2.30	Delivery address below: <input type="checkbox"/> No	
Return Receipt Fee (Endorsement Required)	1.75		
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$4.65		
Sent To: Cliffs Mining Company c/o Dennis Fisher, Esq. Meissner Tierney Fisher & Nichols The Milwaukee Center, 19 <sup>th</sup> floor 111 East Kilbourn Ave. Milwaukee, WI 53202-6622		Mail <input type="checkbox"/> Express Mail Return Receipt for Merchandise <input type="checkbox"/> C.O.D. <input type="checkbox"/> Delivery? (Extra Fee) <input type="checkbox"/> Yes	
Street, Apt. or PO Box: City, State:		6 1468 6651	
PS Form 3800, July 1999 Domestic Return Receipt		102595-99-M-1789	